

In The Claims:

1. (Currently amended) A method to reduce transgene silencing in transgenic plants comprising the steps of:

- (a) ~~constructing~~ obtaining a DNA construct comprising an artificial polynucleotide that is divergent from a known polynucleotide that encodes a substantially identical protein, wherein said artificial polynucleotide and such known polynucleotide encode polypeptides that are at least 98% identical; and
- b) ~~constructing a DNA construct comprising said artificial polynucleotide molecule; and~~

e) (b) transforming said DNA construct into a plant cell; and

d) (c) regenerating said plant cell into a fertile transgenic plant,

wherein said artificial polynucleotide is SEQ ID NO:18, and said known polynucleotide are divergent if less than 85 percent identical for their entire length and have no polynucleotide sequence lengths more than 23 nucleotides that have 100 percent identity and wherein said fertile transgenic plant comprises both said artificial polynucleotide and said known polynucleotide, and wherein the expression of said artificial and said known polynucleotides is not silenced.

- 2-5. (Canceled)

6. (Currently amended) An artificial polynucleotide molecule comprising selected from the group consisting of: SEQ ID NO:3, SEQ ID NO:4; SEQ ID NO:7, SEQ ID NO:10, SEQ ID NO:17, and SEQ ID NO:18.

7. (Original) A DNA construct comprising: a promoter molecule that functions in plants, operably linked to said artificial polynucleotide molecule of claim 6.

8. (Original) A plant cell, plant or progeny thereof comprising the DNA construct of claim 7.

9. (Original) The plant or progeny thereof of claim 8, wherein said plant is selected from the group consisting of wheat, corn, rice, soybean, cotton, potato, canola, turf grass, forest trees, grain sorghum, vegetable crops, ornamental plants, forage crops, and fruit crops.
10. (Currently amended) A plant cell comprising at least two polynucleotides, wherein said two polynucleotides encode a substantially identical protein polypeptides that are at least 98% identical and at least one of the polynucleotides is SEQ ID NO:18, a transgene, and ~~said polynucleotides are less than 85 percent identical in polynucleotide sequence for their entire length and have no polynucleotide sequence lengths more than 23 nucleotides that have 100 percent identity.~~
11. (Previously presented) A plant or progeny thereof comprising said plant cell of claim 10.
- 12-13. (Canceled)
14. (Previously presented) A plant cell, plant, or progeny thereof comprising said artificial polynucleotide molecule of claim 6.
- 15-23. (Canceled)
24. (Currently amended) A DNA detection kit comprising at least one isolated DNA molecule ~~The DNA detection kit of claim 23,~~ wherein said isolated DNA molecule is selected from the group consisting of: SEQ ID NO:24, SEQ ID NO:25, SEQ ID NO:26, and SEQ ID NO:27, wherein said DNA molecule is useful as a DNA probe or DNA primer.
- 25-28. (Canceled)

29. (Currently amended) A method to reduce transgene silencing in transgenic plants comprising the steps of:

- (a) obtaining said plant cell of claim 10; and
- (b) regenerating said plant cell into a fertile transgenic plant, wherein said fertile transgenic plant comprises both said polynucleotides, and wherein the expression of said polynucleotides is not silenced.

30-33. (Canceled)

34. (New) A method to reduce transgene silencing in transgenic plants comprising the steps of:

- (a) obtaining a DNA construct comprising SEQ ID NO:18;
- (b) transforming said DNA construct into a plant cell; and
- (c) regenerating said plant cell into a transgenic plant, wherein said transgenic plant comprises SEQ ID NO:18 and at least one other nucleotide sequence that encodes a protein that is at least 98% identical to the polypeptide encoded by SEQ ID NO:18, and wherein the expression of SEQ ID NO:18 and said nucleotide sequence is not silenced.